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27 UNITED STATES DISTRICT COURT

28 FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

29 HTC CORPORATION, et al.

Case No. 5:08-CV-882 JF

Plaintiffs,

**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE HEARINGS ON
 MOTIONS TO DISMISS, TRANSFER,
 OR STAY AND CASE MANAGEMENT
 CONFERENCE**

vs.

TECHNOLOGY PROPERTIES LIMITED,
 et al.

Defendants.

1 WHEREAS, on February 8, 2008, plaintiffs HTC Corporation and HTC America,
 2 Inc. (collectively “HTC” or “Plaintiffs”) filed a complaint against defendants Technology
 3 Properties Limited (“TPL”), Patriot Scientific Corporation (“Patriot”), and Alliacense Limited
 4 (collectively, “Defendants”) for declaratory judgment of patent non-infringement and invalidity of
 5 U.S. Patent Nos. 5,809,336 (“the ‘336 patent”); 5,784,584 (“the ‘584 patent”); 5,440,749 (“the
 6 ‘749 patent”); and 6,598,148 (“the ‘148 patent”);

7 WHEREAS, on April 25, 2008, TPL and Patriot filed complaints for patent
 8 infringement against HTC for alleged infringement as to the ‘336 patent, the ‘749 patent, and the
 9 ‘148 patent in the Eastern District of Texas, Case No. 2-08-cv-172 (DF); as to the ‘584 patent in
 10 Case No. 2-08-cv-174 (TJW);

11 WHEREAS, on June 4, 2008 Defendants filed a complaint for patent infringement
 12 against HTC for alleged infringement as to U.S. Patent No. 5,530,890 (“the ‘890 patent”) in the
 13 Eastern District of Texas, Case No. 2:08-cv-226 (TJW) (all Texas cases collectively, “the Texas
 14 Actions”);

15 WHEREAS, on July 10, 2008, Plaintiffs filed a First Amended Complaint against
 16 Defendants for declaratory judgment of patent non-infringement and invalidity of the ‘890 patent
 17 (Docket No. 34);

19 WHEREAS, the Court entered a Related Case Order determining that the present
 20 case and the following two cases pending in this district are related to one another: (1) *Acer, Inc.*
 21 *et al v. Technology Properties Limited et al* (C 08-00877 JF); and (2) *ASUSTeK Computer Inc. el*
 22 *al v. Technology Properties Limited et al* (C 08-00884 EMC) (Docket No. 21) (“Related
 23 Matters”);

24 WHEREAS, Defendants in the present action and each of the Related Matters filed
 25 motions on April 25, 2008 to dismiss or in the alternative to transfer to the Eastern District of
 26 Texas, with all such motions currently set for hearing on August 29, 2008 (“Motions”);
 27

WHEREAS, the Case Management Conference (“CMC”) for the present action and the Related Matters is currently scheduled for August 29, 2008;

WHEREAS, Defendants have requested a continuance of the Motions and CMC due to a conflict in scheduling; and

WHEREAS, Plaintiffs have agreed to a continuance of the hearing date for the Motions and CMC in the present action and the Related Matters, while the Defendants have agreed to an extension of time for Plaintiffs to respond to the Texas Actions until October 3, 2008;

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE, AND
RESPECTFULLY REQUEST THAT THE COURT ORDER, AS FOLLOWS:

The Case Management Conference and the hearings on the Motions in the present action and the Related Matters currently set for August 29, 2008 shall be continued to September 19, 2008.

Respectfully submitted,

Dated: August 6, 2008

THELEN REID BROWN RAYSMAN &
STEINER LLP

By: /s/ Robert E. Krebs
Robert E. Krebs

Dated: August 6, 2008

KIRBY NOONAN LANCE & HOGE

Attorneys for Defendants TECHNOLOGY
PROPERTIES LIMITED, and ALLIACENSE
LIMITED

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SCIENTIFIC CO.

**Attorney for Defendant PATRIOT
SCIENTIFIC CORPORATION**

WHITE & CASE LLP

Dated: August 6, 2008

By: /s/ Kyle D. Chen

Kyle D. Chen

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2 CORPORATION and HTC AMERICA, INC.
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2 PURSUANT TO STIPULATION IT IS SO ORDERED:

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4 Dated: _____

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7 The Honorable Jeremy Fogel
United States District Judge

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